



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505

CONTROLLED BUY OPERATIONS

This fact sheet briefly describes the MLCC recommended* procedures for conducting underage controlled buys. Only authorized enforcement officers or those working in cooperation with a law enforcement agency, may conduct controlled buy operations in Michigan. These activities are commonly referred to as “stings” or “decoy” operations and are generally random checks to ensure that alcohol is not being sold to underage individuals though they may be conducted in response to a reported complaint or problem establishment. Questions or comments about these procedures may be directed to the MLCC Enforcement Division at the address above or by calling the Enforcement Information Hotline at 1-866-893-2121.

1. Use “youthful appearing” decoys who are less than 20 years of age. Preferably, the decoy should have no facial hair, i.e. beard or mustache and wear very little make up if female. Include the Confidential Informant code number or decoy’s name, address and D.O.B. in your report.
2. **If using a decoy under the age of 18 you must obtain parents’ consent for each location in writing, and a copy of the consent document (SAMPLE BELOW) must be submitted with each violation report submitted.**
3. Take a picture of the decoy each night of the operation showing the decoy’s appearance and dress. The picture should be available at the hearing along with the officer who worked with the decoy.
4. The decoy should have specific instructions (preferably in writing). These instructions should include:
 - a. No consumption of alcoholic liquor;
 - b. The decoy is to be truthful in all inquiries and conversations with the vendor or agent. No disguises or deception should be used;
 - c. The decoy should possess either valid identification or no identification at all and the police agency should check the decoy prior to the operation to insure that the decoy is carrying no false or misleading identification;
 - d. The decoy should prepare notes after each stop to assist in the giving of testimony (essential in multiple-stop operations).
5. The police agency should contact the vendor or agent at the time of the buy or on the same night (within 2 hours) when practical, advising that they had sold to an undercover decoy and obtain the identity of the selling clerk or server.
6. The police agency should retain and preserve evidence in the standard manner and have such evidence available at the hearing (with analysis, if necessary).
7. Police agency should be prepared to present testimony on the nature and background of the decoy operation including:
 - a. Who was involved;
 - b. Why the operation was conducted;
 - c. Why certain establishments were chosen;
 - d. The number of establishments contacted;
 - e. And the number of violations arising out of the overall operation.

8. The police agency should conduct either an internal or external observation of the operation. Minimally an external observation of an off-premises establishment should include the decoy entering the establishment empty-handed and exiting the establishment with alcoholic liquor.
9. A police officer or other person of legal age should not be in the close company of the decoy at a bar or table in an on-premises establishment or at a counter in an off-premises establishment where the vendor may presume the decoy is in the company of an older person.

10. Make sure that the decoy will be available for hearings for at least 6 months after the operation.

11. The decoy should be allowed to take physical possession and control of the alcoholic beverage before citation is issued.
12. Per MCL 436.1701, the clerk who sold the alcohol to the minor must be cited criminally before action can be taken against the licensee administratively by the MLCC. A copy of the appearance ticket must accompany the violation report.
13. If the controlled buy operation covers a governmental unit or units out of the police agency's normal jurisdiction, please provide documentation from each governing body stating that permission to conduct the controlled buys has been granted.

*NOTE: Please be advised that the Michigan Liquor Control Commission has no specific policy, administrative rule, or official guideline as defined by the Administrative Procedures Act pertaining to controlled buy operations. Additionally, neither the Commission nor the Enforcement Division of the Commission prescribes specific procedures to be used by either State or local police agencies. Also be advised that the MLCC Enforcement Division currently is using "decoys" in enforcement activities.

When this document is given to any law enforcement agency, it is presented in the form of suggested solutions to problems and not as an official standard by which a controlled buy case must be pursued to be successful before the Commission.

SAMPLE CONSENT FORM

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PARENTAL CONSENT FOR MINOR TO PARTICIPATE IN CONTROLLED ALCOHOL BUY OPERATIONS

I, _____, am the parent/legal guardian of _____,

Whose date of birth is _____. I gave my permission for my child to participate in controlled alcohol buy operations under the supervision of the _____ (law enforcement agency).

Signed:

Parent/Guardian

Dated: _____

Witness

Dated: _____